

UNIVERSITY OF TORONTO
3 1761 00086386 0

Mann, Horace
Speech on the right
Congress

E
416
M282
1848

SPEECH

OF

MR. HORACE MANN, OF MASS.,

ON

THE RIGHT OF CONGRESS TO LEGISLATE FOR THE TERRITORIES
OF THE UNITED STATES,

AND ITS

DUTY TO EXCLUDE SLAVERY THEREFROM.

LIVERED IN THE HOUSE OF REPRESENTATIVES, IN COMMITTEE OF THE
WHOLE, JUNE 30, 1848.

WASHINGTON:

PRINTED BY J. & G. S. GIDEON.

1848.

Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

NOV 28 1968

E
416
M282
1848

SPEECH.

MR. CHAIRMAN: I have listened with interest, both yesterday and to-day, to speeches on what is called the "Presidential question." I propose to discuss a question of far greater magnitude—the question of the age—one, whose consequences will not end with the ensuing four years, but will reach forward to the setting of the sun of time.

Sir, our position is this: The United States finds itself the owner of a vast region of country at the West, now almost vacant of inhabitants. Parts of this region are salubrious and fertile. We have reason to suppose that, in addition to the treasures of wealth which industry may gather from its surface, there are mineral treasures beneath it—riches garnered up of old in subterranean chambers, and only awaiting the application of intelligence and skill to be converted into the means of human improvement and happiness. These regions, it is true, lie remote from our place of residence. Their shores are washed by another sea, and it is no figure of speech to say that another sky bends over them. So remote are they, that their hours are not as our hours, nor their day as our day; and yet, such are the wonderful improvements in art, in modern times, as to make it no rash anticipation that before this century shall have closed, the inhabitants on the Atlantic shores will be able to visit their brethren on the Pacific, in ten days; and that intelligence will be transmitted and returned, between the Eastern and the Western oceans, in ten minutes. That country, therefore, will be rapidly filled, and we shall be brought into intimate relations with it; and, notwithstanding its distance, into proximity to it.

Now, in the providence of God, it has fallen to our lot to legislate for this unoccupied, or but partially occupied, expanse. Its great Future hangs upon our decision. Not only degrees of latitude and longitude, but vast tracts of time—ages and centuries—seem at our disposal. As are the institutions which we form and establish there, so will be the men whom these institutions, in their turn, will form. Nature works by fixed laws; but we can bring this or that combination of circumstances under the operation of her laws, and thus determine results. Here springs up our responsibility. One class of institutions will gather there, one class of men who will develop one set of characteristics; another class of institutions will gather there, another class of men who will develop other characteristics. Hence, their futurity is to depend upon our present course. Hence, the acts we are to perform, seem to partake of the nature of creation, rather than of legislation. Standing upon the elevation which we now occupy, and looking over into that empty world, "yet void," if not "without form," but soon to be filled with multitudinous life, and reflecting upon our power to give form and character to that life, and almost to fore-ordain what it shall be, I feel as though it would be no irreverence to compare our condition to that of the Creator before he fashioned the "lord" of this lower world; for we, like Him, can engraft one set of attributes, or another set of attributes, upon a whole race of men. In approaching this subject, therefore, I feel a sense of responsibility corresponding to the infinite—I speak literally—the infinite interests which it embraces.

As far as the time allowed me will permit, I propose to discuss two questions; the first is, "*Whether Congress can lawfully legislate on the subject of slavery in the Territories?*"

On this question a new and most extraordinary doctrine has lately been broached. A new reading of the Constitution has been discovered. It is averred that the 3d section of the 4th article, giving Congress power "to dispose of and make all needful rules and regulations respecting the territory, or other property belonging to the United States," only gives power to legislate for the land, *as land*. It is admitted that Congress may legislate for the land *as land*—geologically or botanically considered—perhaps for the beasts that roam upon its surface, or the fishes that swim in its waters; but it is denied that Congress possesses any power to determine the laws and the institutions of those who shall inhabit that "land."

But compare this with any other object of purchase or possession. When Texas was admitted into the Union, it transferred its "navy" to the United States; in other words, the U. States bought, and, of course, owned the navy of Texas. What power had Congress over this navy after the purchase? According to the new doctrine, it could pass laws for the hull, the masts, and the sails of the Texan ships, but would have no power to navigate them by officers and men. It might govern the ships as so much wood, iron, and cordage, but would have no authority over commanders or crews.

But we are challenged to show any clause in the Constitution which confers an *express* power to legislate over the territories we possess. I challenge our opponents to show any clause which confers express power to acquire those territories themselves. If, then, the power to acquire exists, it exists by implication and inference; and if the power to *acquire* be an implied one, the power to govern: what is acquired must be implied also. For, for what purpose does any man acquire property but to govern and control it? What does a buyer pay for, if it be not the right to "dispose of?" Such is the doctrine of the Supreme Court of the United States: "The right to govern," says Chief Justice Marshall, "may be the inevitable consequence of the right to acquire." *Inner. Ins. Co. vs. Canter*, 1 Peters, 542. See also *McCullough vs. Maryland*, 4 Wheat., 422; *The Cherokee Nation vs. Georgia*, 5 Peters, 44; *United States vs. Gratiot*, 14 Peters, 537.

But I refer to the express words of the Constitution, as ample and effective in conferring all the power that is claimed. "Congress may dispose of, and make all needful rules and regulations," &c. If Congress may "dispose of" this land, then it may sell it. Inseparable from the right to sell is

right to define the terms of sale. The seller may affix such conditions and limitations as he pleases to the thing sold. If this be not so, then the buyer may dictate his terms to the seller. Answer these simple questions: Does the United States own land in fee-simple? Is the Government of the United States under guardianship, or disabled by minority? Is it *compos mentis*? If none of these disabilities apply to it then it may sell;—it may sell the fee-simple, or it may carve out any lesser estate, and sell that. It may incorporate such terms and conditions as it pleases into its deed or patent of sale. It may make an outright quit-claim, or it may reserve the minerals for its own use, or the navigable streams for public highways, as it has done in the territory northwest of the river Ohio. It may insert the conditions and limitations in each deed or patent; or, where the grantees are numerous, it may make general "rules and regulations," which are understood to be a part of each contract, and are therefore binding upon each purchaser. No man is compelled to buy, but if any one does buy, he buys subject to the "rules and regulations" expressed in the grants; and neither he, nor his grantees, nor his or their heirs after them, can complain. I want, therefore, no better foundation for legislating over the territories than the fact of ownership in the United States. Grant this and all is granted. If I own a farm, or a shop, I may, as owner, prescribe the conditions of its transfer to another. If he does not like my conditions, then let him abandon the negotiation; if he accedes to the conditions, then let him abide by them, and hold his peace.

Sir, in the State to which I belong we hold Temperance to be a great blessing, as well as a great virtue; and Intemperance to be a great curse, as well as a great sin. I know of incorporated companies there, who have purchased large tracts of land for manufacturing purposes. They well know how essential is the sobriety of workmen to the profitableness of their work; they know, too, how wasteful and destructive is inebriety. In disposing of their land, therefore, to the men whom they would gather about them and employ, they incorporate the provision, as a fundamental article in the deed of grant, that ardent spirits shall never be sold upon the premises; and thus they shut up, at once, one of the most densely thronged gateways of hell. Have they not a right to do so, from the mere fact of ownership? Would any judge or lawyer doubt the validity of such a condition; or would any sensible man ever doubt its wisdom or humanity? Pecuniarily and morally, this comes under the head of "needful rules and regulations." If tipplers do not like them, let them stagger away, and seek their residence elsewhere.

But the United States is not merely a land owner, it is a sovereignty. As such, it exercises all constitutional jurisdiction over all its territories. Whence, but from this right of sovereignty, does the Government obtain its power of saying that no man shall purchase land of the natives, or aborigines, and that if you wish to buy land in the territories, you shall come to the Government for it? Is there any express power in the Constitution authorizing Congress to say to all the citizens of the United States, "If you wish to buy ungranted land in the territories, you must come to us, for no one else can sell, or shall sell?" This right, sustained by all our legislation and adjudications, covers the whole ground. *Lessee of Johnson et al. vs. McIntosh*, 8 Wheaton, 543; 5 Cond. Re. 515.

But, leaving the Constitution, it is denied that there are precedents. The honorable gentleman from Virginia (Mr. BAYLY) has not only contested the power of Congress to legislate on the subject of slavery in the territories, but he has denied the existence of precedents to sustain this power. Sir, it would have been an assertion far less bold, to deny the existence of precedents for the election of a President of the United States; for the instances of the latter have been far less frequent than of the former. Congress has legislated on the subject of slavery in the territories all the way up, from the adoption of the Constitution to the present time; and this legislation has been sustained by the judiciary of both the General and State Governments, and carried into execution by the executive power of both. See *Menard vs. Aspasia*, 5 Peters, 505; *Peche et al. vs. Jay*, *Breece's Re.*, 210; *Hogg vs. the Zanesville Canal Co.*, 5 Ohio Re., 410; *Martin's Louisiana Re.*, N. S., 699; *Spooner vs. McConnell*, 11 *McLean's Re.*, 341, *Harvey vs. Decker*, *Walker's Mississippi Re.*, 36; *Rachael vs. Walker*, 4 *Missouri Re.*, 350.

So far as the uniform practice of sixty years can settle a doubtful, or confirm an admitted right, this power of legislating over the territories has been taken from the region of doubt, and established upon the basis of acknowledged authority. In legislating for all that is now Ohio, Indiana, Illinois, Wisconsin, Michigan, Iowa, Missouri, Arkansas, Mississippi, Louisiana, and Florida, we have legislated on the subject of slavery in the territories. Sixty years of legislation on one side, and not a denial of the right on the other.

But the gentleman from Virginia (Mr. BAYLY) says, that the action of Congress, in regard to the territories, has been rather that of constitution-making than of law-making. Suppose this to be true, does not the greater include the less? If Congress could make a Constitution for all the territories—an organic, fundamental law—a law of laws—could it not, had it so pleased, make the law itself? A Constitution prescribes to the legislature what it shall do, and what it shall not do; it commands, prohibits, and binds men by oaths to support itself. It says, "hitherto SHALT thou come, and no further." And if Congress can do this, can it not make the local law itself? Can aught be more preposterous? As if we could command others to do what we have no right to do ourselves, and prohibit others from doing what lies beyond our own jurisdiction. Surely, to decree on what subjects a community shall legislate, and on what they shall not legislate, is the exercise of the highest power.

But Congress has not stopped with the exercise of the constitution-making power. In various forms, and at all times, it has legislated for the territories, in the strictest sense of the word *legislation*. It has legislated again and again, and ten times again, on this very subject of slavery. See the act of 1794, prohibiting the slave trade from any "port or place" in the United States. Could any citizen of the United States, under this act, have gone into one of our territories and fitted out vessels for the slave trade? Surely he could, if Congress has no right to legislate over territories only as so much land and water.

By statute 1798, chapter 28, § 7, slaves were forbidden to be brought into the Mississippi territory from without the United States; and all slaves so brought in *were made free*.

So the act of 1800, chapter 51, in further prohibition of the slave trade, applied to all the citizens of the United States, whether living in territories or in organized States. Did not this legislation cover the territories?

By statute 1804, chapter 38, § 10, three classes of slaves were forbidden to be introduced into the Orleans territory.

Statute 1807, chapter 22, prohibiting the importation of slaves after January 1, 1808, prohibited their importation into the territories in express terms.

Statute 1818 chapter 91, statute 1819, chapter 101, and statute 1820, chapter 113, prohibiting the slave trade, and making it piracy, expressly included all the territories of the United States.

Statute 1819, chapter 21, authorized the President to provide for the safe-keeping of slaves imported from Africa, and for their removal to their home in that land. Under this law, the President might have established a depot for slaves within the limits of our territories, on the Gulf, or on the Mississippi.

By statute 1820, chapter 22, § 8, Congress established what has been called the Missouri compromise line, thereby expressly legislating on the subject of slavery. So of Texas. See *Jo. Res. March 1, 1845*.

By statute 1819, chapter 93, statute 1821, chapter 39, § 2, and statute 1822, chapter 13, § 9, Congress legislated on the subject of slavery in the Territory of Florida.

Does it not seem almost incredible that a defender and champion of slavery should deny the power of Congress to legislate on the subject of slavery in the territories? If Congress has no such power, by what right can a master recapture a fugitive slave escaping into a territory? The Constitution says: "No person held to service, or labor, in one *State*, escaping into another,"—that is, another *State*,—"shall be discharged from such service, or labor," &c. The act of 1793, chapter 7, § 3, provides that when a person "held to labor," &c., "shall escape into any other of the said States, or territory," he may be taken. By what other law than this can a runaway slave be retaken in a territory? If Congress has no power to legislate on the subject of slavery in any territory, then, surely, they cannot legislate for the capture of a fugitive slave in a territory. The argument cuts both ways. The knife wounds him who would use it to wound his fellow.

Further than this. If slavery is claimed to be one of the common subjects of legislation, then any legislation by Congress for the territories, on any of the common subjects of legislation, is a precedent, going to prove its right to legislate on slavery itself. If Congress may legislate on one subject belonging to a class, then it may legislate on any other subject belonging to the same class. Now, Congress has legislated for the territories on almost the whole circle of subjects belonging to common legislation. It has legislated on the elective franchise, on the pecuniary qualifications and residence of candidates for office, on the militia, on oaths, on the *per diem* and mileage of members, &c., &c. By statute 1811, chapter 21, § 3, authorizing the Territory of Orleans to form a constitution, it was provided, that all legislative proceedings and judicial records should be kept and promulgated in the English language. Cannot Congress make provision for the rights of the people, as well as for the language in which the laws and records defining those rights shall be expressed? Any language is sweet to the ears of man which gives him the right of trial by jury, of habeas corpus, of religious freedom, and of life, limb, and liberty; but accursed is that language, and fit only for the realms below, which deprives an immortal being of the rights of intelligence and of freedom; of the right to himself, and the dearer rights of family.

But all this is by no means the strongest part of the evidence with which our statutes and judicial decisions abound, showing the power of Congress to legislate over territories. From the beginning, Congress has not only legislated over the territories, but it has appointed and controlled the agents of legislation.

The general structure of the legislature in several of the earlier territorial governments was this: It consisted of a governor and of two houses—an upper and a lower. Without an exception, where a governor has been appointed, Congress has always reserved his appointment to itself, or to the President. The governor so appointed has always had a veto power over the two houses; and Congress has always reserved to itself, or to the President, a veto power, not only over him, but over him and both the houses besides. Congress has often interfered also with the appointment of the upper house, leaving only the lower house to be chosen exclusively by the people of the territory; and it has determined even for the lower house the qualifications both of electors and of elected. Further still: The power of removing the governor, at pleasure, has always been reserved to Congress, or to the President.

Look at this: Congress determines for the territory the qualifications of electors and elected—at least in the first instance. No law of the territorial legislature is valid until approved by the governor. Though approved by the governor, it may be annulled by Congress, or by the President; and the governor is appointed, and may be removed, at pleasure, by Congress, or by the President.

To be more specific, I give the following outline of some of the territorial governments:

Ohio Territory, statute 1789, chapter 8.—A governor for four years, nominated by the President, approved by the Senate, with power to appoint all subordinate civil and military officers.

A secretary for four years, appointed in the same way.

Three judges, to hold office during good behavior. Governor and judges the sole legislature, until the district shall contain 5,000 free male inhabitants. Then,

A house of assembly, chosen by qualified electors, for two years.

A legislative council of five, to hold office for five years. The house of assembly to choose ten men; five of whom are to be selected by the President and approved by the Senate. These five to be the "legislative council."

A governor, as before, with an unconditional veto, and a right to convene, prorogue, and dissolve the assembly.

Power given to the President to revoke the commissions of governor and secretary.

Indiana Territory, statute 1800, chapter 41.—Similar to that of Ohio. At first the lower house to consist of not more than nine nor less than seven.

Mississippi Territory, statute 1800, chapter 50.—Similar to that of Indiana.

Michigan Territory, statute 1805, chapter 5.—Similar to that of Indiana.

Illinois Territory, statute 1809, chapter 13.—Similar to that of Indiana.

Alabama Territory, statute 1817, chapter 59—Similar to that of Mississippi.

Wisconsin Territory, statute 1836, chapter 54.—Governor for three years, appointed as above, and removable by the President, with power to appoint officers and grant pardons. Unconditional veto.

Secretary for four years, removable by the President. In the absence, or during the inability, of the governor, to perform his duties.

Legislative assembly to consist of a council and a house of representatives, to be chosen for two years. Congress to have an unconditional veto, to be exercised on laws approved by the governor.

Louisiana Territory, statute 1803, chapter 1.—Sole dictatorial power given to the President of the United States; and the army and navy of the United States placed at his command to govern the territorial inhabitants.—(This was under Mr. Jefferson.)

Territory of Orleans, statute 1804, chapter 38.—Governor nominated by President, approved by Senate, tenure of office three years. Removable by the President. Secretary for four years, to be governor in case, &c.

Legislative council of thirteen, to be annually appointed by the President.

Governor and council, of course, a reciprocal negative on each other. Congress an unconditional veto on both.

District of Louisiana, statute 1804, chapter 38.—To be governed by the governor and judges of the Territory of Indiana.

Congress an unconditional veto on all their laws.

Missouri Territory, statute 1812, chapter 95.—A governor, appointable and removable as above.

Secretary, the same.

A legislative council of nine, eighteen persons to be nominated by the house of representatives for the Territory; nine of these to be selected and appointed by the President and Senate. A house of representatives to be chosen by the people.

Arkansas Territory, statute 1819, chapter 49.—A governor and secretary, appointable and removable as above.

All legislative power vested in the governor and in the judges of the superior court.

When a majority of the *freeholders* should elect, then they might adopt the form of government of Missouri.

East and West Florida, statute 1819, chapter 93.—*Statute 1821, chapter 29.*—*Statute 1822, chapter 13.*—From March 3, 1819, to March 30, 1822, the government vested solely in the President of the United States, and to be exercised by such officers as he should appoint.

After March 30, 1822, a governor and secretary appointable and removable as above.

All legislative power vested in the governor, and in thirteen persons, called a legislative council, to be appointed annually by the President.

Yet, Sir, notwithstanding all this legislation of Congress for the Territories, on the subject of slavery itself; notwithstanding its legislation on a great class of subjects of which slavery is acknowledged to be one; notwithstanding its appointment, in some cases, of the legislative power of the Territory; making its own agent—the governor—removable at pleasure; giving him a veto in the first place, and reserving to itself a veto when he has approved; notwithstanding the exercise, in other cases, of full, absolute sovereignty over the inhabitants of the Territories, and all their interests; and notwithstanding such has been the practice of the Government for sixty years, under Jefferson, Madison, Monroe, Jackson, and others, it is now denied that Congress has any right to legislate on the subject of slavery in the Territories. Sir, with a class of politicians in this country, it has come to this, that slavery is the only sacred thing in existence. It is self-evident like a god, and human power cannot prevent it. From year to year, it goes on conquering and to conquer, and human power cannot dethrone it.

Sir, I will present another argument on this subject, and I do not see how any jurist or statesman can invalidate it.

Government is one, but its functions are several. They are legislative, judicial, executive. These functions are co-ordinate. Each supposes the other two. There must be a legislature to enact laws. There must be a judiciary to expound the laws enacted, and point out the individuals against whom they are to be enforced. There must be an executive arm to enforce the decisions of the courts. In every theory of government, where one of these exists, the others exist. Under our Constitution, they are divided into three parts, and apportioned among three co-ordinate bodies. Whoever denies one of these must deny them all.

If the Government of the United States, therefore, has no right to legislate for the Territories, it has no right to *adjudicate* for the Territories; if it has no right to *adjudicate*, then it has no right to *enforce* the decisions of the judicial tribunals. These rights must stand or fall together. He who takes from this Government the law-making power, in regard to Territories, strikes also the balances of justice from the hands of the judge, and the mace of authority from those of the executive. There is no escape from this conclusion. The Constitution gives no more authority to adjudge suits in the Territories, or to execute the decisions of the territorial courts, than it does to legislate. If Congress has no

power over territory, only as *land*, then what does this land want of judges and marshals? Is it not obvious, then, that this new reading of the Constitution sets aside the whole legislative, judicial, and executive administration of this Government over Territories, since the adoption of the Constitution? It makes the whole of it invalid. The Presidents, all members of Congress, all judges upon the bench, have been in a dream for the last sixty years; and are now waked up and recalled to their senses by the charm of a newly discovered reading of the Constitution.

Hitherto, sir, I have not directed my remarks to the actual legislation by Congress on the subject of slavery in the Northwestern Territory, so called. That Territory was consecrated to freedom by the ordinance of 1787. It was said that the Confederation had no power to pass such an ordinance. One answer to this is, that the ordinance was a "compact," in terms, and so was adopted and ratified by the 6th article of the Constitution, under the term "engagement."

But whatever may be thought of this answer, there is another one which is conclusive. Congress has ratified the ordinance again and again; the first Congress at its first session passed an act, whose preamble is as follows: "Whereas in order that the ordinance of the United States, in Congress assembled, for the government of the territory northwest of the river Ohio, may continue to have full effect," &c. It then proceeds to modify some parts of the ordinance, and to adopt all the rest.*

In the 2d section of the act of 1800, chapter 41, establishing the Indiana Territory, it is expressly provided that its government shall be "in all respects similar to that provided by the ordinance of 1787."

In the act of 1802, chapter 40, section 5, authorizing Ohio to form a constitution and State government, this ordinance of 1787, is three times referred to as a valid and existing agreement; and it has always been held to be so by the courts of Ohio.

So in the act of 1816, chapter 57, section 4, authorizing the erection of Indiana into a State, the ordinance is again recognized, and is made a part of the fundamental law of the State.

So in the act of 1818, chapter 67, section 4, authorizing Illinois to become State.

So in the act of 1805, chapter 5, section 2, establishing the Territory of Michigan.

So of Wisconsin; see act of 1847, chapter 53, in connection with the constitution of Wisconsin.

But all this is tedious and superfluous. I have gone into this detail, because I understand the gentleman from Virginia (Mr. BAXLY) to have denied this adoption and these recognitions of the ordinance. I hazard nothing in saying that the ordinance of 1787 has been expressly referred to as valid, or expressly or impliedly re-enacted a dozen times by the Congress of the United States; and, in the State courts of Ohio, Illinois, Louisiana, Mississippi, and Missouri it has been adjudged to be constitutional. How, then, is it possible for any mind amenable to legal rules for the decision of legal questions, to say that Congress cannot legislate, or has not legislated, (except once or twice inadvertently,) on the subject of slavery in the Territories.

On this part of the argument, I have only a concluding remark to submit. The position I am contesting affirms generally that Congress cannot legislate on the subject of slavery in the Territories. The inexpediency of so legislating is further advocated, on the ground that it is repugnant to Democratical principles to debar the inhabitants of the Territories from governing themselves. Must the free men of the Territories, it is asked, have laws made for them by others? No! It is anti-democratic, monarchical, intolerable. All men have the right of self-government; and this principle holds true with regard to the inhabitants of Territories, as well as the inhabitants of States.

Now, if these declarations were a sincere and honest affirmation of human rights, I should respect them and honor their authors. Did this doctrine grow out of a jealousy for the rights of man, a fear of usurpation, an assertion of the principle of self-government, I should sympathize with it, while I denied its legality. But, sir, it is the most painful aspect of this whole case, that the very object and purpose of claiming these ample and sovereign rights for the inhabitants of the Territories, is, that they may deny all rights to a portion of their fellow-beings within them. Enlarge, aggrandize the rights of the territorial settlers! And why? That they may abolish all rights for a whole class of human beings. This claim, then, is not made for the purpose of making freemen more free, but for making slaves more enslaved. The reason for denying to Congress the power to legislate for the Territories, is the fear that Congress will prevent slavery in them. The reason for claiming the supreme right of legislation for the territorial inhabitants, is the hope that they will establish slavery within their borders. Must not that Democracy be false, which begets slavery as its natural offspring?

If it has now been demonstrated that Congress has uniformly legislated, and can legislate, on the subject of slavery in the Territories, I proceed to consider the next question. *Is it expedient to exclude slavery from them?*

Here, on the threshold, we are confronted with the claim that the gates shall be thrown wide open to the admission of slavery into the broad Western world; because, otherwise, the Southern or slave States would be debarred from enjoying their share of the common property of the Union.

I meet this claim with a counter-claim. If, on the one hand, the consecration of this soil to freedom will exclude the slaveholders of the South; it is just as true, on the other hand, that the desecration of it to slavery will exclude the free men of the North. We, at the North, know too well the foundations of worldly prosperity and happiness; we know too well the sources of social and moral welfare, ever voluntarily to blend our fortunes with those of a community where slavery is tolerated. If our demand for free territory, then, excludes them, their demand for slave territory excludes us. Not one in five hundred of the freemen of the North could ever be induced to take his family and domicile himself in a territory where slavery exists. They know that the institution would impoverish their estate,

* Mr. Madison thought the original ordinance to be clearly invalid. See *Federalist*, No. 38. It is just as clear that he thought the Constitution gave validity to it. See *Federalist*, No. 43.

demoralize their children, and harrow their own consciences with an ever present sense of guilt, until those consciences, by force of habit and induration, should pass into that callous and more deplorable state, where continuous crime could be committed without the feeling of remorse.

Sir, let me read a passage from Dr. Channing, written in 1798—fifty years ago—when, at the early age of nineteen, he lived for some time in Richmond, Va., as a tutor in a private family. While there, he wrote a letter, of which the following is an extract:

“There is one object here which always depresses me. It is *slavery*. This alone would prevent me from ever settling in Virginia. Language cannot express my detestation of it. Master and slave! Nature never made such a distinction or established such a relation. Man, when forced to substitute the will of another for his own, ceases to be a moral agent; his title to the name of man is extinguished; he becomes a mere machine in the hands of his oppressor. No empire is so valuable as the empire of one's self. No right is so inseparable from humanity, and so necessary to the improvement of our species, as the right of exerting the powers which nature has given us in the pursuit of any and of every good which we can obtain without doing injury to others. Should you desire it, I will give you some idea of the situation and character of the negroes in Virginia. It is a subject so degrading to humanity, that I cannot dwell on it with pleasure. I should be obliged to show you every vice, heightened by every meanness, and added to every misery. The influence of slavery on the whites is almost as fatal as on the blacks themselves.”

This was written fifty years ago, by a young man from New England, only nineteen years old. I know that, on all subjects of philanthropy and ethics, Dr. Channing was half a century in advance of his age. But the sentiments he expressed on this subject, at the close of the last century, are now the prevalent, deep-seated feelings of Northern men, excepting, perhaps, a few cases, where these feelings have been corrupted by interest.

I repeat, then, that the North cannot shut out the South from the new territories by a law for excluding slavery, more effectually than the South will shut out the North by the fact of introducing slavery. Even admitting, then, that the *law* is equal for both North and South, I will show that all the *equity* is on the side of the North.

Sir, from the establishment of our independence by the treaty of 1783, to the time of the adoption of the Constitution, and for years afterwards, no trace is to be found of an intention to enlarge the bounds of our Republic; and it is well known that the treaty of 1803, for acquiring Louisiana, was acknowledged by Mr. Jefferson, who made it, to be unconstitutional. In 1787, the Magna Charta of perpetual freedom was secured to the Northwest territory. But the article excluding slavery from it had an earlier date than '87. On the 1st of March, 1784, Congress voted to accept a cession from the State of Virginia of her claim to the territory northwest of the Ohio river. The subject of providing a government for this and other territory was referred to a committee, consisting of Mr. Jefferson, Mr. Chase, of Maryland, and Mr. Howell, of Rhode Island. On the 19th of April, 1784, their report was considered. That report contained the following ever-memorable clause: “That after the year 1800, of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, [they were spoken of as States, because, it was always contemplated to erect the territories into States,] otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty.”

Sir, we hear much said in our day of the Wilmot proviso against slavery. In former years, great credit has been given to Mr. Nathan Dane, of Massachusetts, for originating the 6th article, (against slavery,) in the ordinance of 1787. Sir, it is a misnomer to call this restrictive clause the “Wilmot proviso.” It is the *Jefferson proviso*, and Mr. Jefferson should have the honor of it; and would to heaven that our Southern friends, who kneel so devoutly at his shrine, could be animated by that lofty spirit of freedom, that love for the rights of man, which alone can make the place of their devotion sacred.

But what is most material to be observed here, is, that the plan of government reported by Mr. Jefferson, and acted upon by the Congress at that time, embraced all the “Western territory;” it embraced all the “territory ceded or to be ceded, by individual States to the United States.” See Journals of Congress, April 23, 1784. If, then, we leave out Kentucky and Tennessee, as being parts of Virginia and North Carolina, all the residue of the territory North or South of the Ohio river, within the treaty limits of the United States, was intended, by the Jefferson proviso, to be rescued from the doom of slavery. For that proviso, there were sixteen votes, and only seven against it. Yet so singularly were these seven votes distributed, and so large a majority of the States did it require to pass an act, that it was lost. The whole of the representation from seven States voted for it unanimously. Only two States voted unanimously against it. Had but one of Mr. Jefferson's colleagues voted with him, and had Mr. Spaight, of North Carolina, voted for it, (only nine out of twenty-three,) the restrictive clause in the report would have stood. But a minority of seven from the slaveholding States controlled a majority of sixteen from the free States,—ominous even at that early day of a fate that has now relentlessly pursued us for sixty years.

That vote was certainly no more than a fair representation of the feeling of the country against slavery, at that time. It was with such a feeling that the “compromises of the Constitution,” as they are called, were entered into. Nobody dreaded or dreamed of the extension of slavery beyond its then existing limits. Yet behold its aggressive march. Besides Kentucky and Tennessee, which I omit for reasons before intimated, seven new slave States have been added to the Union—Mississippi, Alabama, Missouri, Arkansas, Louisiana, Florida, and Texas—the last five out of territory not

belonging to us at the adoption of the Constitution; while only one free State, Iowa, has been added during all this time, out of such newly acquired territory.*

But there is another fact, which shows that the slaveholders have already had their full share of territory, however wide the boundaries of this country may hereafter become.

I have seen the number of *actual slaveholders* variously estimated; but the highest estimate I have ever seen is *three hundred thousand*. Allowing six persons to a family, this number would represent a white population of eighteen hundred thousand.

Mr. GAYLE, of Alabama, interrupted and said: If the gentleman from Massachusetts has been informed that the number of slave holders is only 300,000, then I will tell him his information is utterly false.

Mr. MANN. Will the gentleman tell me how many there are?

Mr. GAYLE. Ten times as many.

Mr. MANN. Ten times as many! Ten times 300,000 is 3,000,000; and allowing six persons to each family, this would give a population of 18,000,000 directly connected with slaveholding; while the whole free population of the South, in 1840, was considerably less than five millions!

Mr. MEADE, of Virginia, here interposed and said, that, where father or mother owned slaves, they were considered the joint property of the family. I think, if you include the grown and the young, there are about 3,000,000 interested in slave property.

Mr. MANN resumed. My data lead me to believe that the number does not now exceed two millions; but, at the time of the adoption of the Constitution, the number directly connected with slaveholding must have been less than one million. Yet this one million has already managed to acquire the broad States of Missouri, Arkansas, Louisiana, Florida, and Texas, beyond the limits of the treaty of 1783; when, at the time the "compromises of the Constitution" were entered into, not one of the parties supposed that we should ever acquire territory beyond those limits. And this has been done for the benefit (if it be a benefit) of that one million of slaveholders, against what is now a free population of fifteen millions. And, in addition to this, it is to be considered that the non-slaveholding population of the slave States have as direct and deep an interest as any part of the country, adverse to the extension of slavery. If all our new territory be doomed to slavery, where can the non-slaveholders of the slaveholding States emigrate to? Are they not to be considered? Has one half the population of the slaveholding States rights, which are paramount, not only to the rights of the other half, but to the rights of all the free States besides, for such is the claim? No, sir. I say that, if slavery were no moral or political evil, yet, according to all principles of justice and equity, the slaveholders have already obtained their full share of territory, though all the residue of this continent were annexed to the Union, and we were to become, in the insane language of the day, "an ocean-bound Republic."

I now proceed to consider the nature and effects of slavery, as a reason why new-born communities should be exempted from it. First, let me treat of its economical or financial, and, secondly, of its moral aspects.

Though slaves are said to be property, they are the preventers, the wasters, the antagonists, of property. So far from facilitating the increase of individual or national wealth, slavery retards both. It blasts worldly prosperity. Other things being equal, a free people will thrive and prosper, in a mere worldly sense, more than a people divided into masters and slaves. Were we so constituted as to care for nothing, to aspire to nothing, beyond mere temporal well-being, this well-being would counsel us to abolish slavery wherever it exists, and to repel its approach wherever it threatens.

Enslave a man, and you destroy his ambition, his enterprise, his capacity. In the constitution of human nature, the desire of bettering one's condition is the main-spring of effort. The first touch of slavery snaps this spring. The slave does not participate in the value of the wealth he creates. All he earns, another seizes. A free man labors, not only to improve his own condition, but to better the condition of his children. The mighty impulse of parental affection repays for diligence, and makes exertion sweet. The slave's heart never beats with this high emotion. However industrious and frugal he may be, he has nothing to bequeath to his children—or nothing save the sad bonds he himself has worn. Fear may make him work, but hope never. When he moves his tardy limbs, it is because of the suffering that goads him from behind, and not from the bright prospects that beckon him forward in the race.

What would a slave owner at the South think, should he come to Massachusetts, and there see a farmer seize upon his hired man, call in a surgeon, and cut off all the flexor muscles of his arms and legs? I do not ask what he would think of his humanity, but what would he think of his sanity? Yet the planter does more than this when he makes a man a slave. He cuts deeper than the muscles; he destroys the spirit that moves the muscles.

In all ages of the world, among all nations, wherever the earnings of the laborer have been stolen away from him, his energies have gone with his earnings. Under the villeinage system of England, the villeins were a low, idle, spiritless race; dead to responsibility; grovelling in their desires; resistant

* Here Mr. HILLIARD, of Alabama, rose to ask if the South, by the Missouri compromise, had not surrendered its right to carry slavery north of the compromise line? The question was not understood. If it had been, it would have been replied, that the existence of slavery at New Orleans, and a few other places in Louisiana, at the time of the treaty with France, by no means established the right to carry it to the Pacific Ocean, if the treaty extended so far. Slavery being against natural right, can only exist by virtue of positive law, backed by force sufficient to protect it. It could not lawfully exist, therefore, in any part of Louisiana, which had not been laid out, organized, and subjected to the civil jurisdiction of the Government. Such was not the case with any part of the territory north of the compromise line; and therefore nothing was surrendered. On the other hand, in the formation of the territorial governments of Orleans, Missouri, Arkansas, and Florida, a vast extent of country was surrendered to slavery. And this is independent of the question, whether Congress, by the Constitution, has any more right to establish slavery *anywhere*, than it has to establish an inquisition, create an order of nobility, or anoint a king.

of labor; without enterprise; without foresight. This principle is now exemplified in the landlord and tenant system of Ireland. If a tenant is to be no better off for the improvements he makes on an estate, he will not make the improvements. Look at the seigniories of New York—the anti-rent districts as they are now called—every man acquainted with the subject knows that both people and husbandry are half a century behind the condition of contiguous fee-simple proprietorships. All history illustrates the principle, that when property is insecure, it will not be earned. If a despot can seize and confiscate the property of his subject at pleasure, the subject will not acquire property, and thereby give to himself the conspicuousness that invites the plunder. And if this be so when property is merely insecure, what must be the effect when a man has no property whatever in his earnings? Who does not know that a slave, who can rationally hope to purchase his freedom, will do all the work he ever did before, and earn his freedom money besides? Slavery, therefore, though claiming to be a kind of property, is the bane of property; and the more slaves there are found in the inventory of a nation's wealth, the less in value will the aggregate of that inventory be.

This is one of the reasons why slave labor is so much less efficient than free labor. The former can never compete with the latter; and, while the greater service is performed with cheerfulness, the smaller is extorted by fear. Just as certain as that the locomotive can outrun the horse, and the lightning out-speed the locomotive, just so certain is it that he who is animated by the hopes and the rewards of freedom will outstrip the disheartened and fear-driven slave.

The intelligent freeman can afford to live well, dress decently, and occupy a comfortable tenement. A scanty subsistence, a squalid garb, a mean and dilapidated hovel, proclaim the degradation of the slave. The slave States gain millions of dollars every year from the privations, the mean food, clothing, and shelter, to which the slaves are subjected; and yet they grow rich less rapidly than States where millions of dollars are annually expended for the comforts and conveniences of the laborer. More is lost in production than is gained by privation.

A universal concomitant of slavery is, that it makes white labor disreputable. Being disreputable, it is shunned. The pecuniary loss resulting from this is incalculable. Dry up the myriad head-springs of the Mississippi, and where would be the mighty volume of waters which now bear navies on their bosom, and lift the ocean itself above its level, by their out-pouring flood? Abolish those sources of wealth, which consist in the personal industry of every man, and of each member of every man's family, and that wide-spread thrift and competence and elegance, which are both the reward and the stimulus of labor, will be abolished with them. Forego the means, and you forfeit the end. You must use the instrument, if you would have the product. Nothing but the feeling of independence, the conscious security of working for one's self and one's family, will, in the present state of the world, make labor profitable.

I know it has been recently said, in this Capitol, and by high authority, that, with the exception of menial services, it is not disreputable at the South for a white man to labor. There are two ways, each independent of the other, to disprove this assertion. One of them consists in the testimony of a host of intelligent witnesses acquainted with the condition of things at the South. I might quote page after page from various sources; but, as the assertion comes from a gentleman belonging to South Carolina, I will meet it with the statements of another gentleman belonging to the same State. I refer to Mr. William Gregg, of Charleston, a gentleman who is extensively acquainted with the social condition of men both North and South.

In that State, according to the last census, there were about 150,000 free whites, *over twelve years of age*. "Of this class," says Mr. Gregg, "fifty thousand are non-producers."* I suppose South Carolina to be as thrifty a slave State as there is, perhaps excepting Georgia. Yet here is one-third part of the population, old enough to work and able to work, who are idle—and of course vicious; non-producers, but the worst kind of consumers.

Another answer to the above assertion is, that if white labor were reputable at the South, and white men were industrious, the whole country would be a garden, a terrestrial paradise, so far as neatness, abundance, and beauty are concerned. *Where are the results of this respected and honored white labor?* In a country where few expenses are necessary to ward off the rigors of winter; where the richest staples of the world are produced; where cattle and flocks need but little shelter, if any; if man super-added his industry to the bounties of nature, want would be wholly unknown; competence would give place to opulence, and the highest decorations of art would mingle with the glowing beauties of nature. But hear Mr. Gregg:

"My recent visit to the northern States has fully satisfied me that the true secret of our difficulties lies in the want of energy on the part of our capitalists, and ignorance and laziness on the part of those who ought to labor. We need never look for thrift while we permit our immense timber forests, granite quarries, and mines to lie idle, and supply ourselves with hewn granite, pine boards, laths, shingles, &c., furnished by the *lazy dogs* of the North; ah, worse than this; we see our back country farmers, many of whom are too lazy to mend a broken gate, or repair the fences to protect their crops from the neighboring stock, actually supplied with their axe, hoe, and broom handles, pitch-forks, rakes, &c., by the *indolent mountaineers* of New Hampshire and Massachusetts. The time was, when every old woman had her gourd, from which the country gardens were supplied with seed. We now find it more convenient to permit this duty to devolve on our careful friends, the Yankees. Even our boat-oars and hand-spikes for rolling logs, are furnished, ready made, to our hand," &c.—"Need I add, to further exemplify our excessive indolence, that the Charleston market is supplied with fish and wild game by northern men, who come out here as regularly as the winter comes, for

* Essays on Domestic Industry, or an Inquiry into the expediency of establishing Cotton Manufactories in South Carolina, 1845.

this purpose, and from our own waters and forests often realize, in the course of one winter, a sufficiency to purchase a small farm in New England." *Essays*, page 8.

Again: "It is only necessary to travel over the sterile mountains of Connecticut, Massachusetts, Vermont, and New Hampshire, to learn the true secret of our difficulties,"—"to learn the difference between indolence and industry, extravagance and economy. We there see the scenery, which would take the place of our unpainted mansions, dilapidated cabins, with mud chimneys, and no windows, broken down rail fences, fields overgrown with weeds, and thrown away half exhausted, to be taken up by pine thickets; beef cattle unprotected from the inclemency of winter, and so poor as barely to preserve life." *Essays*, page 7.

And again: "Shall we pass unnoticed the thousands of poor, ignorant, degraded white people among us, who, in this land of plenty, live in comparative nakedness and starvation? Many a one is reared in *proud* South Carolina, from birth to manhood, who has never passed a month in which he has not, some part of the time, been stinted for meat. Many a mother is there who will tell you that her children are but scantily supplied with bread, and much more scantily with meat, and if they be clad with comfortable raiment, it is at the expense of these scanty allowances of food. These may be startling statements, but they are nevertheless true; and, if not believed in Charleston, the members of our legislature, who have traversed the State in electioneering campaigns, can attest their truth." *Essays*, page 22.

After such statements as these; after the testimony of hundreds and hundreds of eye witnesses; after the proofs furnished by the aggregates of products, published in our Patent Office reports, it is drawing a little too heavily on our credulity to say that the white man at the South is industrious. Industry proves itself by its results, as the sun proves itself by shining.

But slavery is hostile to the pecuniary advancement of the community in another way. The slave must be kept in ignorance. He must not be educated, lest with education should come a knowledge of his natural rights, and the means of escape or the power of vengeance. To secure the abolition of his freedom, the growth of his mind must be abolished. His education, therefore, is prohibited by statute, under terrible penalties.

Now a man is weak in his muscles; he is strong only in his faculties. In physical strength, how much superior is an ox or a horse to a man; in fleetness, the dromedary or the eagle. It is through mental strength only that man becomes the superior and governor of all animals.

But it was not the design of Providence that the work of the world should be performed by muscular strength. God has filled the earth and imbued the elements with energies of greater power than all the inhabitants of a thousand planets like ours. Whence come our necessities and our luxuries?—those comforts and appliances that make the difference between a houseless wandering tribe of Indians in the far West, and a New England village? They do not come wholly or principally from the original, unassisted strength of the human arm, but from the employment, through intelligence and skill, of those great natural forces, with which the bountiful Creator has filled every part of the material Universe. Caloric, gravitation, expansibility, compressibility, electricity, chemical affinities and repulsions, spontaneous velocities—these are the mighty agents which the intellect of man harnesses to the car of improvement. The application of water and wind and steam to the propulsion of machinery, and to the transportation of men and merchandise from place to place, has added ten thousand fold to the actual products of human industry. How small the wheel which the stoniest laborer can turn, and how soon will he be weary. Compare this with a wheel driving a thousand spindles or looms, which a stream of water can turn, and never tire. A locomotive will take five hundred men, and bear them on their journey hundreds of miles in a day. Look at these same five hundred men, starting from the same point, and attempting the same distance, with all the pedestrian's, or the equestrian's toil and tarliness. The cotton mills of Massachusetts will turn out more cloth in one day than could have been manufactured by all the inhabitants of the Eastern continent during the tenth century. On an element which in ancient times was supposed to be exclusively within the control of the gods, and where it was deemed impious for human power to intrude, even there the gigantic forces of nature, which human science and skill have enlisted in their service, confront and overcome the raging of the elements—breasting tempests and tides, escaping reefs and lee-shores, and careering triumphant around the globe. The velocity of winds, the weight of waters, and the rage of steam, are powers, each one of which is infinitely stronger than all the strength of all the nations and races of mankind, were it all gathered into a single arm. And all these energies are given us on one condition—the condition of intelligence—that is, of education.

Had God intended that the work of the world should be done by human bones and sinews, He would have given us an arm as solid and strong as the shaft of a steam engine: and enabled us to stand, day and night, and turn the crank of a steamship while sailing to Liverpool or Calcutta. Had God designed the human muscles to do the work of the world, then, instead of the ingredients of gun powder or gun cotton, and the expansive force of heat, he would have given us hands which could take a granite quarry and break its solid acres into suitable and symmetrical blocks, as easily as we now open an orange. Had He intended us for bearing burdens, He would have given us Atlantean shoulders, by which we could carry the vast freights of rail-car and steamship, as a porter carries his pack. He would have given us lungs by which we could blow fleets before us; and wings to sweep over ocean wastes. But instead of iron arms, and Atlantean shoulders, and the lungs of Boreas, He has given us a mind, a soul, a capacity of acquiring knowledge, and thus of appropriating all these energies of nature to our own use. Instead of a telescopic and microscopic eye, He has given us power to invent the telescope and the microscope. Instead of ten thousand fingers, He has given us genius inventive of the power loom and the printing press. Without a cultivated intellect, man is among the weakest of all the dynamical forces of nature; with a cultivated intellect, he commands them all.

And now, what does the slave-maker do? He abolishes this mighty power of the intellect, and uses

only the weak, degraded, half animated forces of the human limbs. A thousand slaves may stand by a river, and to them it is only an object of fear or of superstition. An intelligent man surpasses the ancient idea of a river-god; he stands by the Penobscot, the Kennebec, the Merrimack, or the Connecticut; he commands each to do more work than could be performed by a hundred thousand men—to saw timber, to make cloth, to grind corn—and they obey. Ignorant slaves stand upon a coal mine, and to them it is only a worthless part of the inanimate earth. An intelligent man uses the same mine to print a million of books. Slaves will seek to obtain the same crop from the same field, year after year, though the *pabulum* of that crop is exhausted; the intelligent man, with his chemist's eye, sees not only the minutest atoms of the earth, but the imponderable gases that permeate it, and he is rewarded with a luxuriant harvest.

Nor are these advantages confined to those departments of nature where her mightiest forces are brought into requisition. In accomplishing whatever requires delicacy and precision, nature is as much more perfect than man, as she is more powerful in whatever requires strength. Whether in great or in small operations, all the improvements in the mechanical and the useful arts come as directly from intelligence, as a bird comes out of a shell, or the beautiful colors of a flower out of sunshine. The slave-worker is forever prying at the short end of Nature's lever; and using the back, instead of the edge, of her finest instruments.

Sir, the most abundant proof exists, derived from all departments of human industry, that uneducated labor is comparatively unprofitable labor. I have before me the statements of a number of the most intelligent gentlemen in Massachusetts, affirming this fact as the result of an experience extending over many years. In Massachusetts we have no native-born child wholly without school instruction; but the degrees of attainment, of mental development, are various. Half a dozen years ago, the Massachusetts Board of Education obtained statements from large numbers of our master manufacturers, authenticated from the books of their respective establishments, and covering a series of years, the result of which was, that increased wages were found in connection with increased intelligence, just as certainly as increased heat raises the mercury in the thermometer. Foreigners, and those coming from other States who made their marks when they receipted their bills, earned the least; those who had a moderate or limited education, occupied a middle ground on the pay-roll; while the intelligent young women who worked in the mills in winter, and taught schools in summer, crowned the list. The larger capital in the form of intelligence yielded the larger interest in the form of wages. This inquiry was not confined to manufactures, but was extended to other departments of business, where the results of labor could be made the subject of exact measurement.

This is universally so. The mechanic sees it, when he compares the work of a stupid with that of an awakened mind. The traveller sees it, when he passes from an educated into an uneducated nation. Sir, there are countries in Europe, lying side by side, where, without compass or chart, without bound or land-marks, I could run the line of demarcation between the two, by the broad, legible characters which ignorance has written on roads, fields, houses, and the persons of men, women, and children on one side, and which knowledge has inscribed on the other.

This difference is most striking in the mechanic arts; but it is clearly visible also in husbandry. Not the most fertile soil, not mines of silver and gold, can make a nation rich without intelligence. Whoever had a more fertile soil than the Egyptians? Who have handled more silver and gold than the Spaniards? The universal cultivation of the mind and heart is the only true source of opulence;—the cultivation of the mind, by which to lay hold on the treasures of nature; the cultivation of the heart, by which to devote those treasures to beneficent uses. Where this cultivation exists, no matter how barren the soil or ungenial the climate, there comfort and competence will abound; for it is the intellectual and moral condition of the cultivator that impoverishes the soil, or makes it teem with abundance. He who disobeys the law of God in regard to the culture of the intellectual and spiritual nature, may live in the valley of the Nile, but he can rear only the "lean kine" of Pharaoh; but he who obeys the highest law, may dwell in the cold and inhospitable regions of Scotland or of New England, and "well-formed and fat-fleshed kine" shall feed on all his meadows. If Pharaoh will be a task-master, and will not let the bond-men go free, the corn in his field shall be the "seven thin ears blasted by the east wind;" but if he will obey the commandments of the Lord; then, behold, there shall be "seven ears of corn upon one stalk, all rank and good." Sir, the sweat of a slave poisons the soil upon which it falls; his breath is mildew to every green thing; his tear withers the verdure it drops upon.

But slavery makes the general education of the whites impossible. You cannot have general education without common schools. Common schools cannot exist where the population is sparse. Where slaves till the soil, or do the principal part of whatever work is done, the free population must be sparse. Slavery, then, by an inexorable law, denies general education to the whites. The Providence of God is just and retributive. Create a serf caste and debar them from education, and you necessarily debar a great portion of the privileged class from education also. It is impossible in the present state of things, or in any state of things which can be foreseen, to have free and universal education in a slave State. The difficulty is insurmountable. For a well-organized system of common schools, there should be two hundred children, at least, living in such proximity to each other that the oldest of them can come together to a central school. It is not enough to gather from within a circle of half a dozen miles diameter fifty or sixty children for a single school. This brings all ages and all studies into the same room. A good system requires a separation of school children into four, or at least into three classes, according to ages and attainments. Without this gradation, a school is bereft of more than half its efficiency. Now, this can never be done in an agricultural community, where there are two classes of men—one to do all the work, and the other to seize all the profits. With New England habits of industry, and with that diversified labor which would be sure to spring

from intelligence, the State of Virginia, which skirts us here on the south, would support all the population of the New England States, and fill them with abundance.

Mr. BAYLY. We have as great a population as New England now.

Mr. MANN. As great a population as New England!

Mr. BAYLY. We send fifteen Representatives.

(A voice. And how many of them represent slaves?)

Mr. MANN. Massachusetts alone sends ten Representatives.

(A voice. And the rest of New England twenty-one more.)

Mr. MANN. I say, sir, the single State of Virginia could support in abundance the whole population of New England. With such a free population, the school children would be so numerous that public schools might be opened within three or four miles of each other all over its territory—the light of each of which, blending with its neighboring lights would illumine the whole land. They would be schools, too, in point of cheapness, within every man's means. The degrading idea of pauper schools would be discarded forever. But what is the condition of Virginia now? One quarter part of all its adult free white population are unable to read or write; and were proclaimed so by a late governor, in his annual message, without producing any reform. Their remedy is to choose a governor who will not proclaim such a fact. When has Virginia, in any State or national election, given a majority equal to the number of its voters unable to read or write? A *republican* Government supported by the two pillars of slavery and ignorance!

In South Carolina there is also a fund for the support of pauper schools; but this had become so useless, and was so dislained by its objects, that a late governor of the State, in his annual message, recommended that it should be withdrawn from them altogether.

Yet, in many of the slave States there are beautiful paper-systems of common schools—dead laws in the statute books—but the census tells us how profitless they have been. In 1840, in the fifteen slave States and Territories, there were only 201,085 scholars at the primary schools. In the same class of schools, in the free States, there were 1,626,023;—eight times as many. New York alone had 502,367, or two and a half times as many. The scholars in the primary schools of Ohio alone outnumbered all those in the fifteen slave States and Territories, by more than 17,000. In the slave States almost one-tenth part of the free white population, over twenty years of age, are unable to read and write. In the free States less than one in one hundred and fifty; and at least four-fifths of these are foreigners, who ought not to be included in the computation. Many of the slave States, too, have munificent school funds. Kentucky has one of more than a million of dollars, Tennessee of two millions; yet, in 1837, Governor Clarke, of Kentucky, declared, in his message to the legislature, that “one-third of the adult population were unable to write their names;” and in the State of Tennessee, according to the last census, there were 53,531 of the same description of persons. Surely it would take more than five of these to make three freemen; for the more a State has of them the less of intelligent freedom will there be in it. And if the schools in the slave States are compared with the schools in the free States, the deficiency in quality will be as great as the deficiency in number.

Sir, during the last ten years I have had a most extensive correspondence with the intelligent friends of education in the slave States. They yearn for progress, but they cannot obtain it. They procure laws to be passed, but there is no one to execute them. They set forth the benefits and the blessings of education, but they speak in a vacuum, and no one hears the appeal. If a parent wishes to educate his children, he must send them from home, and thus suffer a sort of bereavement, even while they live; or he must employ a tutor or governess in his family, which few are able to do. The rich may do it, but what becomes of the children of the poor? In cities the obstacles are less, but the number of persons resident in cities is relatively small. All this is the inevitable consequence of slavery; and it is as impossible for free, thorough, universal education to co-exist with slavery, as for two bodies to occupy the same space at the same time. Slavery would abolish education if it should invade a free State; education would abolish slavery if it could invade a slave State.

Destroying common education, slavery destroys the fruits of common education—the inventive mind, practical talent, the power of adapting means to ends in the business of life. Whence have come all those mechanical and scientific improvements and inventions which have enriched the world with so many comforts, and adorned it with so many beauties; which to-day give enjoyments and luxuries to a common family in a New England village, which neither Queen Elizabeth, of England, nor any of her proud court, ever dreamed of but a little more than two centuries ago. Among whom have these improvements originated? All history and experience affirm that they have come, and must come, from people among whom education is most generous and unconfin'd. Increase the *constituency*, if I may so speak, of developed intellect, and you increase, in an equal ratio, the chances of inventive, creative genius. From what part of our own country have come the application of steam to the propulsion of boats for commercial purposes, or of wheels for manufacturing purposes? Where have the various and almost infinite improvements been made, which have resulted in the present perfection of cotton and woollen machinery? Whence came the invention of the cotton-gin, and the great improvements in railroads? Where was born the mighty genius who invented the first lightning rod, which sends the electric fluid harmless into the earth; or that other genius, not less beneficent, who invented the second lightning rod, which sends the same fluid from city to city on messages of business or of affection? Sir, these are results which you can no more have without common education, without imbuing the public mind with the elements of knowledge, than you can have corn without planting, or harvests without sunshine.

Look into the Patent Office reports, and see in what sections of country mechanical improvements, and the application of science to the useful arts, have originated. Out of five hundred and seventy-two patents, issued in 1847, only sixty-six were to the slave states. The patents annually issued, it is true, are a mingled heap of chaff and wheat, but some of it is wheat worthy of Olympus. I think the

Patent Office reports show, that at least six or eight times as many patents have been taken out for the North as for the South. What improvements will a slave ever make in agricultural implements; in the manufacture of metals; in preparing wool, cotton, silk, fur, or paper; in chemical processes; in the application of steam; in philosophical, nautical, or optical instruments; in civil engineering, architecture, the construction of roads, canals, wharves, bridges, docks, piers, &c.; in hydraulics or pneumatics; in the application of the mechanical powers; in household furniture, or wearing apparel; in printing, binding, engraving, &c., &c.? This question, when put in reference to slaves, appears ridiculous; and yet it is no more absurd, when asked in reference to an ignorant slave, than when asked in reference to an uneducated white man. The fact that the latter is a voter makes no difference; notwithstanding the common opinion, in certain latitudes, that it does. All such improvements come from minds which have had an early awakening, and been put on scientific trains of thought in their childhood and youth—a thing utterly impossible for the people at large, without common schools.

These are causes;—now look at effects. In three New England States the iron manufacture is twenty times as much, according to the population, as it is in Virginia, and yet Virginia has far more of the ore than they. In cotton, we can hardly find a fraction low enough to express the difference. The ship building in Maine and Massachusetts is thirty-five times as much as in Virginia. The North comes to the South, cuts their timber, carries it home, manufactures it, and then brings it back wrought into a hundred different forms, to be sold to those who would see it rot before their eyes.

Can any man give a reason why Norfolk should not have grown like New York, other than the difference in the institutions of the people? Jamestown was settled before Plymouth, and had *natural* advantages superior to it. Plymouth now has a population of between seven and eight thousand, is worth two millions of dollars, and taxed itself last year, for schools and schoolhouses, more than seven thousand dollars. I ought rather to say, that it invested more than seven thousand dollars in a kind of stock that yields a hundred per cent. income. How many bats there may be in the ruins of Jamestown the last census does not inform us. The books printed at the South, I suppose not to be *one fiftieth* part the number printed at the North. In maps, charts, engravings, and so forth, the elements of comparison exist only on one side.

Out of universal education come genius, skill, and enterprise, and the desire of bettering one's condition. Industry and frugality are their concomitants. Diversified labor secures a home market. Diligence earns much, but the absence of the vices of indolence saves more. Hence comforts abound, while capital accumulates. After the home consumption is supplied, there is a surplus for export. The balance of trade is favorable. All the higher institutions of learning and religion can be liberally supported. These institutions impart an elevated and moral tone to society. Hence efforts for all kinds of social ameliorations. Temperance societies spring up. Societies for preventing crime; for saving from pauperism; for the reform of prisons and the reformation of prisoners; for peace; for sending missionaries to the heathen, for diffusing the Gospel;—all these, where a sound education is given, grow up in the order of Providence, as an oak grows out of an acorn.

In one thing the South has excelled—in training statesmen. The primary, and the ultimate effects of slavery upon this fact are so well set forth in a late sermon by Dr. Bushnell, of Hartford, Connecticut, that I will read a passage from it:

"And here, since this institution of slavery, entering into the fortunes of our history, complicates, in so many ways, the disorders we suffer, I must pause a few moments to sketch its characteristics. Slavery, it is not to be denied, is an essentially barbarous institution. It gives us, too, that sign which is the perpetual distinction of barbarism, that it has no law of progress. The highest level it reaches, is the level at which it begins. Indeed, we need not scruple to allow that it has yielded us one considerable advantage, in virtue of the fact, that it produces its best condition first. For while the northern people were generally delving in labor, for many generations, to create a condition of comfort, slavery set the masters at once on a footing of ease, gave them leisure for elegant intercourse, for unprofessional studies, and seasoned their character thus with that kind of cultivation which distinguishes men of society. A class of statesmen were thus raised up, who were prepared to figure as leaders in scenes of public life, where so much depends on manners and social address. But now the scale is changing. Free labor is rising, at length, into a state of wealth and comfort, to take the lead of American society. Meanwhile, the foster sons of slavery—the high families, the statesmen—gradually receding in character, as they must under this vicious institution, are receding also in power and influence, and have been ever since the Revolution. Slavery is a condition against nature; the curse of nature, therefore, is on it, and it bows to its doom by a law as irresistible as gravity. It produces a condition of ease which is not the reward of labor, and a state of degradation which is not the curse of idleness. Therefore, the ease it enjoys cannot but end in a curse, and the degradation it suffers cannot rise into a blessing. It nourishes imperious and violent passions. It makes the masters solitary sheiks on their estates, forbidding thus the possibility of public schools, and preventing also that condensed form of society which is necessary to the vigorous maintenance of churches. Education and religion thus displaced, the dinner table only remains, and on this hangs, in great part, the keeping of the social state. But however highly we may estimate the humanizing power of hospitality, it cannot be regarded as any sufficient spring of character. It is neither a school nor a gospel. And when it comes of self-indulgence, or only seeks relief for the tedium of an idle life, scarcely does it bring with it the blessings of a virtue. The accomplishments it yields are of a mock quality, rather than of a real, having about the same relation to a substantial and finished culture that honor has to character. This kind of currency will pass no longer; for, it is not expense without comfort, or splendor set in disorder, as diamonds in pewter; it is not airs in place of elegance, or assurance substituted for ease; neither is it to be master of a fluent speech, or to garnish the same with stale quotations from the classics; much less is it to live in the Don Juan vein, accepting barbarism by poetic inspiration—the same which a late noble poet, drawing out of Turks and pirates, became the chosen laureate of

slavery—not any or all of these can make up such a style of man, or of life, as we in this age demand. We have come up now to a point where we look for true intellectual refinement, and a ripe state of personal culture. But how clearly is it seen to be a violation of its own laws, for slavery to produce a genuine scholar, or a man, who, in any department of excellence, unless it be in politics, is not a full century behind his time. And if we ask for what is dearer and better still, for a pure christian morality, the youth of slavery are trained in no such habits as are most congenial to virtue. The point of honor is the only principle many of them know. Violence and dissipation bring down every succeeding generation to a state continually lower; so that now, after a hundred and fifty years are passed, the slave-holding territory may be described as a vast missionary ground, and one so uncomfortable to the faithful ministry of Christ, by reason of its jealous tempers, and the known repugnance it has to many of the first maxims of the gospel, that scarcely a missionary can be found to enter it. Connected with this moral decay, the resources of nature also are exhausted, and her fertile territories changed to a desert by the uncreating power of a spendthrift institution. And then, having made a waste where God had made a garden, slavery gathers up the relics of bankruptcy, and the baser relics still of virtue and all manly enterprise, and goes forth to renew, on a virgin soil, its dismal and forlorn history. Thus, at length, has been produced what may be called the bowie-knife style of civilization, and the new west of the South is overrun by it—a spirit of blood which defies all laws of God and man; honorable, but not honest; prompt to resent an injury, slack to discharge a debt; educated to ease, and readier, of course, when the means of living fail, to find them at the gambling table or the race ground, than in any work of industry—probably squandering the means of living there, to relieve the tedium of ease itself.”

The free schools of the North lead to the common diffusion of knowledge and the equalization of society. The private schools of the South divide men into patricians and plebeians; so that, in the latter, a nuisance grows out of education itself. In the public schools of New York there are libraries now amounting to more than a million of volumes. In the schools of Massachusetts the number of volumes is relatively less, but the quality is greatly superior. In each of these States, within half an hour's walk of the poorest farm-house or mechanic's shop, there is a library, free and open to every child, containing works of history, biography, travels, ethics, natural science, &c., &c., which will supply him with the noblest capital of intelligence wherewith to commence the business of making himself a useful and intelligent citizen. With the exception of New Orleans, (whose free schools were commenced and have been presided over by a Massachusetts man,) and three or four other cities, all the libraries in the public schools of the slave States could be carried in a school boy's satchel. The libraries of all the universities and colleges of the South contain 223,416 volumes; those of the North, 593,897 volumes. The libraries of southern theological schools, 22,800; those of northern, 102,080.

Look into Silliman's Journal, or the volumes of the American Academy of Arts and Sciences, and inquire whence the communications come? Where live the historians of the country, Sparks, Prescott, Bancroft; the poets, Whittier, Bryant, Longfellow, Lowell; the jurists, Story, Kent, Wheaton; the classic models of writing, Channing, Everett, Irving; the female writers, Miss Sedgwick, Mrs. Sigourney, and Mrs. Childs? All this proceeds from no superiority of natural endowment on the one side, or inferiority on the other. The southern States are all within what may be called “the latitudes of genius;” for there is a small belt around the globe, comprising but a few degrees of altitude, which has produced all the distinguished men who have ever lived. I say this difference results from no difference in natural endowment; the mental endowments at the South are equal to those in any part of the world; but it comes because in one quarter the common atmosphere is vivified with knowledge, electric with ideas, while slavery gathers its Bæotian fogs over the other. What West Point has been to our armies in Mexico, that, and more than that, good schools would be to the intelligence and industrial prosperity of our country.

It may seem a little out of place, but I cannot forbear here adverting to one point, which, as a lover of children and a parent, touches me more deeply than any other. To whom are entrusted at the South the early care and nurture of children? It has been thought by many educators and metaphysicians, that children learn as much before the age of seven years as ever afterwards. Who, at the South, administers this early knowledge—these ideas, these views, that have such sovereign efficacy in the formation of adult character? Who has the custody of children during this ductile, forming, receptive period of life—a period when the mind absorbs whatever is brought into contact with it? Sir, the children of the South, more or less, and generally more, are tended and nurtured by slaves. Ignorance, superstition, vulgarity, passion, and perhaps impurity, are the breasts at which they nurse. Whatever other afflictions God may see fit to bring upon me, whatever other mercies He may withhold, may He give me none but persons of intelligence, of refinement, of moral excellence, to walk with my children during the imitative years of their existence, and lead them in the paths of knowledge, and breathe into their hearts the breath of a moral life.

Before considering the moral character of slavery, I wish to advert for a moment to the position which we occupy as one of the nations of the earth, in this advancing period of the world's civilization. Nations, like individuals, have a character. The date of the latter is counted by years; that of the former by centuries. No man can have any self-respect who is not solicitous about his posthumous reputation. No man can be a patriot who feels neither joy nor shame at the idea of the honor or of the infamy which his age and his country shall leave behind them. Nations, like individuals, have characteristic objects of ambition. Greece coveted the arts; Rome gloried in war; but liberty has been the goddess of our idolatry. Amid the storms of freedom were we cradled; in the struggles of freedom have our joints been knit; on the rich aliment of freedom have we grown to our present stature. With a somewhat too boastful spirit, perhaps, have we challenged the admiration of the world for our devotion to liberty; but an enthusiasm for the rights of man is so holy a passion that even its excesses are not devoid of the beautiful. We have not only won freedom for ourselves, but

we have taught its sacred lessons to others. The shout of "Death to tyrants and Freedom for man," which pealed through this country seventy years ago, has at length reached across the Atlantic; and who ever has given an attentive ear to the sounds which have come back to us, within the last few months, from the European world, cannot have failed to perceive that they were only the far-travelled echoes of the American Declaration of Independence. But in the divine face of our liberty there has been one foul, demoniac feature. Whenever her votaries would approach her to worship, they have been fain to draw a veil over one part of her visage to conceal its hideousness. Whence came this deformity on her otherwise fair and celestial countenance? Sad is the story, but it must be told. Her mother was a vampire. As the daughter lay helpless in her arms, the beldam tore open her living flesh, and feasted upon her life-blood. Hence this unsightly wound, that affrights whoever beholds it. But, sir, I must leave dallying with these ambiguous metaphors. One wants the plain sinewy Saxon tongue, to tell the deeds that should have shamed devils. Great Britain was the mother. Her American colonies were the daughter. The mother lusted for gold. To get it, she made partnership with robbery and death. Shackles, chains, and weapons for human butchery, were her outfit in trade. She made Africa her hunting-ground. She made its people her prey, and the unwilling colonies her market-place. She broke into the Ethiop's home, as a wolf into a sheep-fold at midnight. She set the continent a-flame that she might seize the affrighted inhabitants as they ran shrieking from their blazing hamlets. The aged and the infant she left for the vultures; but the strong men and the strong women she drove, scourged and bleeding, to the shore. Packed and stowed like merchandise between unventilated decks, so close that the tempest without could not ruffle the pestilential air within, the voyage was begun. Once a day the hatches were opened to receive food, and disgorge the dead. Thousands and thousands of corpses, which she plunged into the ocean from the decks of her slave-ships, she counted only as the tare of commerce. The blue monstess of the deep became familiar with her pathway; and, not more remorseless than she, they shared her plunder. At length the accursed vessel reached the foreign shore. And there monsters of the land, fiercer and feller than any that roam the watery plains, rewarded the robber by purchasing his spoils.

For more than a century did the madness of this traffic rage. During all those years, the clock of eternity never counted out a minute that did not witness the cruel death, by treachery or violence, of some son or daughter, some father or mother, of Africa. The three millions of slaves that now darken our southern horizon are the progeny of those progenitors;—a doomed race, fated and suffering from sire to son. But the enormities of the mother country did not pass without remonstrance. Many of the colonies expostulated against, and rebuked them. The New England colonies, New Jersey, Pennsylvania, Virginia, presented to the throne the most humble and suppliant petitions, praying for the abolition of the trade. The colonial legislatures passed laws against it. But their petitions were spurned from the throne. Their laws were vetoed by the governors. In informal negotiations, attempted with the ministers of the crown, the friends of the slave were made to understand that royalty turned an adder's ear to their prayers. The profoundest feelings of lamentation and abhorrence were kindled in the bosoms of his western subjects by this flagitious conduct of the king. In that dark catalogue of crimes, which led our fathers to forswear allegiance to the British throne, its refusal to prohibit the slave trade to the colonies, is made one of the most prominent of those political offences which are said to "define a tyrant." In the original draught of the Declaration of Independence, this crime of King George the Third is set forth in the following words:

"He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the CHRISTIAN King of Great Britain. Determined to keep a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce."

Now, if the King of Great Britain prostituted his negative, that slavery might not be restricted what, in after times, shall be said of those who prostitute their affirmative, that it may be extended. Yet it is now proposed, in some of the State legislatures, and in this Capitol, to do precisely the same thing in regard to the Territory of Oregon, which was done by Great Britain to her transatlantic possessions;—not merely to legalize slavery there, but to prohibit its inhabitants from prohibiting it. Though three thousand miles west of Great Britain, she had certain constitutional rights over us, and could affect our destiny. Though the inhabitants of Oregon are three thousand miles west of us, yet we have certain constitutional rights over them, and can affect their destiny. Great Britain annulled our laws for prohibiting slavery. We propose to annul an existing law of Oregon prohibiting slavery. If the execrations of mankind are yet too feeble and too few to punish Great Britain for her wickedness, what scope, what fulness, what eternity of execration and anathema, will be a sufficient retribution upon us, if we volunteer to copy her example. It was in the eighteenth century, when the mother country thus made merchandise of human beings—a time when liberty was a forbidden word in the languages of Europe. It is in the nineteenth century, that we propose to re-enact, and on an ampler scale, the same execrable villany—a time when liberty is the rallying-cry of all Christendom. So great has been the progress of liberal ideas, within the last century, that what was venial at its beginning is unpardonable at its close. To drive coffles of slaves from here to Oregon, in the middle of the nineteenth century, is more infamous than it was to bring cargoes of slaves from Africa here, in the middle of the eighteenth. Yet such is the period that men would select to perpetuate and to increase the horrors of this traffic.

Sir, how often, on this floor, have indignant remonstrances been addressed to the North, for agitating the subject of slavery? How often have we at the North been told that we were inciting insurrection, fomenting a servile war, putting the black man's knife to the white man's throat? The air of this Hall has been filled, its walls have been as 't were sculptured, by southern eloquence, with

images of devastated towns, of murdered men and ravished women; and, as a defence against the iniquities of the institution, they have universally put in the plea that the calamity was entailed upon them by the mother country, that it made a part of the world they were born into, and therefore, they could not help it. I have always been disposed to allow its full weight to this palliation. But if they now insist upon perpetrating, against the whole Western world, which happens at present to be under our control, the same wrongs which, in darker days, Great Britain perpetrated against them, they will forfeit every claim to sympathy. Sir, here is a test. Let not Southern men, who would now force slavery upon new regions, ever deny that their slavery at home is a chosen, voluntary, beloved crime.

But let us look, sir, at the moral character of slavery. It is proposed not merely to continue this institution where it now exists, but to extend it to the Pacific ocean—to spread it over the vast slopes of the Rocky mountains. Sir, the conduct of governments, like the conduct of individuals, is subject to the laws and the retributions of Providence. If, therefore, there is any ingredient of wrong in this institution, we ought not to adopt it, or to permit it, even though it should pour wealth in golden showers over the whole surface of the land. In speaking of the moral character of slavery, sir, I mean to utter no word for the purpose of wounding the feelings of any man. On the other hand, I mean not to wound the cause of truth by abstaining from the utterance of a word which I ought to speak.

The institution of slavery is against natural right. Jurists, from the time of Justinian—orators, from the time of Cicero—poets, from the time of Homer—declare it to be wrong. The writers on moral or ethical science—the expounders of the law of nations and of God—denounce slavery as an invasion of the rights of man. They find no warrant for it in the eternal principles of justice and equity; and in that great division which they set forth between right and wrong, they arrange slavery in the catalogue of Crime. All the noblest instincts of human nature rebel against it. Whatever has been taught by sage, or sung by poet, in favor of freedom, is a virtual condemnation of slavery. Whenever we applaud the great champions of liberty, who, by the sacrifice of life in the cause of freedom, have won the homage of the world and an immortality of fame, we record the testimony of our hearts against slavery. Wherever patriotism and philanthropy have glowed brightest—wherever piety and a devout religious sentiment have burned most fervently, there has been the most decided recognition of the universal rights of man.

Sir, let us analyze this subject, and see if slavery be not the most compact, and concentrated, and condensed system of wrong, which the depravity of man has ever invented. Slavery is said to have had its origin in war. It is claimed that the captor had a right to take the life of his captive; and that if he spared that life he made it his own, and thus acquired a right to control it. I deny the right of the captor to the life of his captive; and even if this right were conceded, I deny his right to the life of the captive's offspring. But this relation between captor and captive precludes the idea of peace; for no peace can be made where there is no free agency. Peace being precluded, it follows inevitably that the state of war continues. Hence, the state of slavery is a state of war; and though active hostilities may have ceased, they are liable to break out, and may rightfully break out, at any moment. How long must our fellow-citizens, who were enslaved in Algiers, have continued in slavery, before they would have lost the right of escape or of resistance?

The gentleman from Virginia, (Mr. BOCKOCK,) in his speech this morning, put the right of the slaveholder upon a somewhat different ground. He said a man might acquire property in a horse before the existence of civil society, by catching a wild one. And so, he added, one man might acquire property in another man by subduing him to his will. The superior force gave the right, whether to the horse or to the man. Now, if this be so, and if at any time the superior force should change sides, then it follows inevitably, that the relation of the parties might be rightfully changed by a new appeal to force.

The same gentleman claims Bible authority for slavery. He says: "I see slavery there tolerated, I had almost said inculcated. I see such language as this: 'Both thy bondmen and thy bondmaids shall be of the heathen that are round about you; of them shall you buy bondmen and bondmaids; and ye shall take them as an inheritance for your children after you, to inherit them for a possession.' &c." Does not the gentleman know that the same authority, at a much later period, commanded the Israelitish slaves to despoil their Egyptian masters, and to escape from bondage? Surely the latter is the better authority, for it is of subsequent date. If the gentleman's argument is sound, he is bound to advocate a repeal of the act of 1793. If the gentleman's argument is sound, the free States, instead of surrendering fugitive slaves to their masters, are bound to give those masters a Red-sea reception and embrace: and the escape of the children of Israel into Canaan is a direct precedent for the underground railroad to Canada.

Both the gentleman from Kentucky (Mr. FRECH) yesterday, and the gentleman from Virginia to-day, spoke repeatedly, and without the slightest discrimination of "a slave and a horse," "a slave and a mule," &c. What should we think, sir, of a teacher for our children, or even of a tender of our cattle, who did not recognize the difference between men and mules—between humanity and horse-flesh? What should we think, if, on opening a work, claiming to be a scientific treatise on zoology, we should find the author to be ignorant of the difference between biped and quadruped, or between men and birds, or men and fishes? Yet such errors would be trifling compared with those which have been made through all this debate. They would be simple errors in natural history, perhaps harmless; but these are errors—fatal errors—in humanity and Christian ethics. No, sir; all the legislation of the slave States proves that they do not treat, and cannot treat, a human being as an animal. I will show that they are ever trying to degrade him into an animal, although they can never succeed.

This conscious idea that the state of slavery is a state of war—a state in which superior force keeps inferior force down—develops and manifests itself perpetually. It exhibits itself in the statute-books of the slave States, prohibiting the education of slaves, making it highly penal to teach them so much

as the alphabet; dispersing and punishing all meetings where they come together in quest of knowledge. Look into the statute-books of the free States, and you will find law after law, encouragement after encouragement, to secure the diffusion of knowledge. Look into the statute-books of the slave States, and you find law after law, penalty after penalty, to secure the extinction of knowledge. Who has not read with delight those books which have been written, both in England and in this country, entitled "The Pursuit of Knowledge under Difficulties," giving the biographies of illustrious men, who, by an undaunted and indomitable spirit, had risen from poverty and obscurity to the heights of eminence, and blessed the world with their achievements in literature, in science, and in morals? Yet here, in what we call republican America, are fifteen great States, vying with each other to see which will bring the blackest and most impervious pall of ignorance over three millions of human beings; nay, which can do most to stretch this pall across the continent, from the Atlantic to the Pacific.

Is not knowledge a good? Is it not one of the most precious bounties which the all-bountiful Giver has bestowed upon the human race? Sir John Herschell, possessed of ample wealth, his capacious mind stored with the treasures of knowledge, surrounded by the most learned society in the most cultivated metropolis in the world, says: "If I were to pray for a taste which should stand me in stead, under every variety of circumstances, and be a source of happiness and cheerfulness to me through life, and a shield against its ills, however things might go amiss, and the world frown upon me, it would be a taste for reading." Yet it is now proposed to colonize the broad regions of the West with millions of our fellow-beings, who shall never be able to read a book or write a word; to whom knowledge shall bring no delight in childhood, no relief in the weary hours of sickness or convalescence, no solace in the decrepitude of age; who shall perceive nothing of the beauties of art, who shall know nothing of the wonders of science, who shall never reach any lofty, intellectual conception of the attributes of their great Creator;—deaf to all the hosannas of praise which nature sings to her maker; blind in this magnificent temple which God has builded.

Sir, it is one of the noblest attributes of man that he can derive knowledge from his predecessors. We possess the accumulated learning of ages. From ten thousand confluent streams, the river of truth, widened and deepened, has come down to us; and it is among our choicest delights that if we can add to its volume, as it rolls on, it will bear a richer freight of blessings to our successors. But it is proposed to annul this beneficent law of nature; to repel this profligate bounty of Heaven. It is proposed to create a race of men, to whom all the lights of experience shall be extinguished; whose hundredth generation shall be as ignorant and as barbarous as its first.

Sir, I hold all voluntary ignorance to be a crime; I hold all enforced ignorance to be a greater crime. Knowledge is essential to all rational enjoyment; it is essential to the full and adequate performance of every duty. Whoever intercepts knowledge, therefore, on its passage to a human soul; whoever strikes down the hand that is outstretched to grasp it, is guilty of one of the most heinous of offences. Add to your virtue, knowledge, says the Apostle; but here the command is, be-cloud and be-little by ignorance, whatever virtue you may possess.

Sir, let me justify the earnestness of these expressions, by describing the transition of feeling through which I have lately passed. I come from a community where knowledge ranks next to virtue, in the classification of blessings. On the tenth day of April last, the day before I left home for this place, I attended the dedication of a schoolhouse in Boston, which had cost \$70,000. The Mayor presided, and much of the intelligence and worth of the city was present on the occasion. I see by a paper which I have this day received, that another schoolhouse, in the same city, was dedicated on Monday of the present week. It was there stated by the Mayor, that the cost of the city schoolhouses, which had been completed within the last three months, was \$200,000. On Tuesday of this week, a new high schoolhouse, in the city of Cambridge, was dedicated. Mr. Everett, the President of Harvard College, was present, and addressed the assembly in a long, and, I need not add, a most beautiful speech. That schoolhouse, with two others to be dedicated within a week, will have cost \$25,000. Last week, in the neighboring city of Charlestown, a new high schoolhouse of a most splendid and costly character, was dedicated by the Mayor and city government, by clergy and laity. But it is not Mayors of cities, and Presidents of colleges alone, that engage in the work of consecrating temples of education to the service of the young. Since I have been here, the Governor of the Commonwealth, Mr. Briggs, went to Newburyport, a distance of forty miles, to attend the dedication of a schoolhouse, which cost \$25,000. On a late occasion, when the same excellent Chief Magistrate travelled forty miles to attend the dedication of a schoolhouse in the country, some speaker congratulated the audience because the Governor of the Commonwealth had come down from the Executive Chair to honor the occasion. "No," said he, "I have come up to the occasion to be honored by it." Within the last year, \$200,000 have been given by individuals to Harvard College. Within a little longer time than this, the other two colleges in the State have received, together, a still larger endowment, from individuals or the State.

These measures are part of a great system which we are carrying on for the elevation of the race. Last year the voters of Massachusetts, in their respective towns, voluntarily taxed themselves about a million of dollars for the support of common schools. We have an old law on the statute book, requiring towns to tax themselves for the support of public schools, but the people have long since lost sight of this law in the munificence of their contributions. Massachusetts is now erecting a reform school for vagrant and exposed children—so many of whom come to us from abroad—which will cost the State more than a hundred thousand dollars. An unknown individual has given \$20,000 towards it. We educate all our deaf and dumb and blind. An appropriation was made by the last legislature to establish a school for idiots, in imitation of those beautiful institutions in Paris, in Switzerland, and in Berlin, where the most revolting and malicious of this deplorable class are tamed into docility, made lovers of order and neatness, and capable of performing many valuable services. The future teacher of this school is now abroad, preparing himself for his work. A few years ago, Mr. Everett, the

present President of Harvard College, then Governor of the Commonwealth, spoke the deep *convictions* of Massachusetts people, when, in a public address on education, he exhorted the fathers and mothers of Massachusetts in the following words: "Save," said he, "save, spare, scrape, stint, starve, do any thing but steal," to educate your children. And Doctor Howe, the noble-hearted director of the institution for the Blind, lately uttered the deepest *sentiments* of our citizens when, in speaking of our duties to the blind, the deaf and dumb, and the idiotic, he said: "The sight of any human being, left to brutish ignorance, is always demoralizing to the beholders. There floats not upon the stream of life a wreck of humanity, so utterly shattered and crippled, but that its signals of distress should challenge attention and command assistance."

Sir, it was all glowing and fervid with sentiments like these, that a few weeks ago I entered this House—sentiments transfused into my soul from without, even if I had no vital spark of nobleness to kindle them within. Imagine, then, my strong revulsion of feeling, when the first set, elaborate speech which I heard, was that of the gentleman from Virginia, proposing to extend ignorance to the uttermost bounds of this Republic; to legalize it, to enforce it, to necessitate it, and make it eternal. Since him, many others have advocated the same abhorrent doctrine. Not satisfied with dooming a whole race of our fellow-beings to mental darkness, impervious and everlasting—not satisfied with drawing this black curtain of ignorance between man and nature, between the human soul and its God, from the Atlantic to the Rio Grande, across half of the continent—they desire to increase this race ten, twenty millions more, and to unfold and spread out this black curtain across the other half of the continent. When, sir, in the halls of legislation, men advocate measures like this, it is no figure of speech to say, that their words are the clanking of multitudinous fetters; each gesture of their arms tears human flesh with ten thousand whips; each exhalation of their breath spreads clouds of moral darkness from horizon to horizon.

Twenty years ago a sharp sensation ran through the nerves of the civilized world at the story of a young man, named Caspar Hauser, found in the city of Nuremberg, in Bavaria. Though sixteen or seventeen years of age, he could not walk nor talk. He heard without understanding; he saw without perceiving; he moved without definite purpose. It was the soul of an infant in the body of an adult. After he had learned to speak, he related that, from his earliest recollection, he had always been kept in a hole so small that he could not stretch out his limbs, where he saw no light, heard no sound, nor even witnessed the face of the attendant who brought him his scanty food. For many years, conjecture was rife concerning his history, and all Germany was searched to discover his origin. After a long period of fruitless inquiry and speculations, public opinion settled down into the belief that he was the victim of some great, unnatural crime; that he was the heir to some throne, and had been sequestered by ambition; or the inheritor of vast wealth, and had been hidden away by cupidity; or the offspring of criminal indulgence, and had been buried alive to avoid exposure and shame. A German, Von Fuerbach, published an account of Caspar, entitled "*The Example of a Crime on the Life of the Soul.*" But why go to Europe to be thrilled with the pathos of a human being shrouded from the light of nature, and cut off from a knowledge of duty and of God? To-day, in this boasted land of light and liberty, there are three million of Caspar Hausers; and, as if these were not enough, it is proposed to multiply their number tenfold, and to fill up all the Western world with these proofs of human avarice and guilt. It is proposed that we ourselves should create, and should publish to the world, not one, but untold millions of "*Examples of a Crime on the Life of the Soul.*" It is proposed that the self-styled freemen, the self-styled Christians, of fifteen great States in this American Union, shall engage in the work of procreating, rearing, and *selling* Caspar Hausers, often from their own loins; and if any further development of soul or of body is allowed to the American victims than was permitted to the Bavarian child, it is only because such development will increase their market value at the barracoons. It is not from any difference of motive, but only the better to insure that motive's indulgence. The slave child must be allowed to use his limbs, or how could he drudge out his life in the service of his master? The slave infant must be taught to walk, or how, *under the shadow of this thrice glorious Capitol*, could he join a coffin for New Orleans?

I know, sir, that it has been said, within a short time past, that Caspar Hauser was an imposter, and his story a fiction. Would to God that this could ever be said of his fellow-victims in America.

For another reason slavery is an unspeakable wrong. The slave is debarred from testifying against a white man. The courts will not hear him as a witness. By the principles of the common law, if any man suffers violence at the hands of another, he can prefer his complaints to magistrates, or to the grand juries of the courts, who are bound to give him redress. Hence the law is said to hold up its shield before every man for his protection. It surrounds him in the crowded street and in the solitary place. It guards his treasures with greater vigilance than locks or iron safes; and against meditated aggressions upon himself, his wife, or his children, it fastens his doors every night, more securely than triple bolts of brass. But all these sacred protections are denied to the slave. While subjected to the law of force, he is shut out from the law of right. To suffer injury is his, but never to obtain redress. For personal cruelties—for stripes that shiver his flesh and blows that break his bones—for robbery or for murder, neither he nor his friends have preventive, remedy, or recompense. The father, who is a slave, may see son or daughter scored, mangled, mutilated, ravished, before his eyes, and he must be dumb as a sheep before his shearers. The wife may be dishonored in the presence of the husband, and, if he remonstrates or rebels, the miscreant who could burn with the lust, will burn not less fiercely with a vengeance to be glutted upon his foiler.

Suppose, suddenly, by some disastrous change in the order of nature, an entire kingdom, or community, were to be enveloped in total darkness—to have no day, no dawn, but midnight evermore! Into what infinite forms of violence and wrong would the depraved-passions of the human heart spring up, when no longer restrained by the light of day, and the dangers of exposure! So far as legal rights against his oppressors are concerned, the slave lives in such a world of darkness. A hun-

dred of his fellows may stand around him and witness the wrongs he suffers, but not one of them can appeal to jury, magistrate, or judge, for punishment or redress. The wickedest white man, in a company of slaves, bears a charmed life. There is not one of the fell passions that rages in his bosom which he cannot indulge with wantonness, and to satiety, and the court has no ears to hear the complaint of the victim. How dearly does every honorable man prize character! The law denies the slave a character; for, however traduced, legal vindication is impossible.

And yet, infinitely flagrant as the anomaly is, the slave is amenable to the laws of the land for all offences which he may commit against others, though he is powerless to protect himself by the same law from offences which others may commit against him. He may suffer all wrong, and the courts will not hearken to his testimony; but for the first wrong he does, the same courts inflict their severest punishments upon him. This is the reciprocity of slave law—to be forever liable to be proved guilty, but never able to prove himself innocent; to be subject to all punishments, but, through his own oath, to no protection. Hear what is said by the highest judicial tribunal of South Carolina. "Although slaves are held to be the absolute property of their owners, yet they have the power of committing crimes." *2d Nott and McCord's Rep.*, 179. A negro is so far amenable to the common law, that he may be one of three to constitute the number necessary to make a riot. *1st Bay's Re.*, 358. By the laws of the same State, a negro may be himself stolen, and he has no redress; but if he steals a negro from another, he shall be hung. *2d Nott and McCord's Rep.*, 179. (*An example of this penalty suffered by a slave.*) This is the way that slave legislatures and slave judicatories construe the command of Christ, "Whatsoever ye would that men should do unto you, do ye also the same unto them." Nay, by the laws of some of the slave States, where master and slave are engaged in a joint act, the slave is indictable, while the master is not.

What rights are more sacred or more dear to us than the conjugal and the parental? No savage nation, however far removed from the frontiers of civilization, has ever yet been discovered, where these rights were unknown or unhonored. The beasts of the forest feel and respect them. It is only in the land of slaves that they are blotted out and annihilated.

Slavery is an unspeakable wrong to the conscience. The word "conscience" conveys a complex idea. It includes conscientiousness; that is, the sentiment or instinct of right and wrong; and intelligence which is the guide of this sentiment. Conscience, then, implies both the desire or impulse to do right, and also a knowledge of what is right. Nature endows us with the sentiment, but the knowledge we must acquire. Hence we speak of an "enlightened conscience"—meaning thereby not only the moral sense, but that knowledge of circumstances, relations, tendencies, and results, which is necessary in order to guide the moral sense to just conclusions. Each of these elements is equally necessary to enable a man to feel right and to act right. Mere knowledge, without the moral sense, can take no cognizance of the everlasting distinctions between right and wrong, and so the blind instinct, unguided by knowledge, will be forever at fault in its conclusions. The two were made to coexist and operate together, by Him who made the human soul. But the impious hand of man divorces these twin-capacities, wherever it denies knowledge. If one of these co-ordinate powers in the mental realm be annulled by the legislature, it may be called law; but it is repugnant to every law and attribute of God.

But, not satisfied with having invaded the human soul, and annihilated one of its most sacred attributes, in the persons of three millions of our fellow-men; not satisfied with having killed the conscience, as far as it can be killed by human device, and human force, in an entire race; we are now invoked to multiply that race, to extend it over regions yet unscathed by its existence, and there to call into being other millions of men, upon whose souls, and upon the souls of whose posterity, the same unholy spoliation shall be committed forever.

Slavery is an unspeakable wrong to the religious nature of man. The dearest and most precious of all human rights is the right of private judgment in matters of religion. I am interested in nothing else so much as in the attributes of my Creator; and in the relations which he has established between me and Himself, for time and for eternity. To investigate for myself these relations, and their momentous consequences; to "search the scriptures;" to explore the works of God in the outward and visible universe; to ask counsel of the sages and divines of the ages gone by;—these are rights which it would be sacrilege in me to surrender; which it is worse sacrilege in any human being, or human government, to usurp. Yet, by denying education to the slave, you destroy not merely the *right* but the *power* of personal examination, in regard to all that most nearly concerns the soul's interests. Who so base as not to reverence the mighty champions of religious freedom, in days when the dungeon, the rack, and the fagot were the arguments of a government theology? Who does not reverence, I say, Wickliffe, Huss, Luther, and the whole army of martyrs, whose blood reddened the axe of English intolerance? Yet it was only for this right of private judgment, for this independence of another man's control, in religious concerns, that the God-like champions of religious liberty perilled themselves and perished. Yet it is this very religious despotism over millions of men, which it is now proposed, not to destroy, but to create. It is proposed not to break old fetters and cast them away, but to forge new ones and rivet them on. Sir, on the continent of Europe, and in the Tower of London, I have seen the axes, the chains, and other horrid implements of death, by which the great defenders of freedom for the soul were brought to their final doom; by which political and religious liberty was cloven down; but fairer and lovelier to the view were axe and chain, and all the ghastly implements of death, ever invented by religious bigotry, or civil despotism, to wring and torture freedom out of the soul of man;—fairer and lovelier were they all, than the parchment-roll of this House, on which shall be inscribed a law for profaning one additional foot of American soil with the curse of slavery. [Here the Chairman's hammer announced the close of the hour. Mr. Mann had but one topic more which he designed to elucidate;—the inevitable tendency of slavery to debase the standard both of private and of public morals in any community where it exists.]



E Mann, Horace
4-4- Speech on the right of
M

Robarts Library

DUE DATE:

Nov. 11, 1992

**Fines 50¢
per day**

For telephone renewals

RET

-

Y

-

